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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Office of the Director  
Group 3600

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Paper No. 5

In re application of : **DECISION ON PETITION**  
William R Murray et al : **: TO MAKE SPECIAL**  
Application No. 09/441,142 : **(INFRINGEMENT)**  
Filed: November 12, 1999 :  
For: COMPUTER PHYSICAL SECURITY DEVICE

This is a decision on the petition under 37 C.F.R §1.102(d) to make the above-identified application special which was filed in the Office on November 12, 1999.

The petition requests that the above-identified application be made special under the procedure set forth in MPEP 708.02, item II: Infringement.

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(i); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market; (B) that a rigid comparison of the alleged infringing device or product with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed January 19, 2000 includes all of the requirements above except item (2)(C). In view of this deficiency, the petition is **DISMISSED**.

Copies of the references have not been submitted. The decision of the petition of the instant application must be made on the material present, and not in another file. Furthermore, the citation of 176 references is not considered to satisfy the requirement of citing those references "deemed most closely related to the subject matter encompassed by the claims".

Any request for reconsideration of this petition must be filed within TWO MONTHS of the date of this decision. Any renewed petition should be addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.



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